

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KACEY KIMBROUGH, Special  
Administrator of the Estate of Shawn  
Thomas Kimbrough;**

**Plaintiff,**

**vs.**

**CHRISTOPHER JAMES GORHAM,  
JENNINGS PLANT SERVICES, LLC,  
SPENCER R. JENNINGS, TARIN K.  
JENNINGS, and HOPE COOPERATIVE  
CARE, INC.,**

**Defendants.**

**8:21CV35**

**ORDER**

This matter is before the Court on the Motion to Withdraw ([Filing No. 78](#)) filed by Mark D. Fitzgerald, counsel for the defendant, Jennings Plant Services, LLC (JPS). Counsel represents that his withdrawal was anticipated by all parties in the event the Douglas County District Court ruled that JPS was not an insured under the State Farm Policy in a separate lawsuit. See *State Farm Mutual Auto. Ins. Co. v. Jennings Plant Servs. et al.*, CI 21-144. After review of the motion,

**IT IS ORDERED:**

1. The Motion to Withdraw ([Filing No. 78](#)) is granted. Mark D. Fitzgerald shall be permitted to withdraw from his representation of the defendant, Jennings Plant Services, LLC.
2. Mr. Fitzgerald shall serve a copy of this Order upon Jennings Plant Services, LLC, and thereafter file proof of service showing compliance with this Order, listing the names and addresses of the persons to whom notice was sent. Mr. Fitzgerald will not be relieved of applicable duties to the Court, his client, and opposing counsel until such proof of service is filed.
3. Because Jennings Plant Services, LLC, cannot litigate in this forum without representation by licensed counsel, *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 347-48 (8th Cir. 1994), on or before **February 24, 2023**, Jennings Plant

Services, LLC shall obtain the services of new counsel and have that attorney file an appearance on its behalf. If substitute counsel does not enter an appearance by that date, the Court may file an entry and/or judgment of default against it without further notice.

Dated this 23<sup>rd</sup> day of January, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge